

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LEONARD D. VIGNOLO,

Petitioner,

Case No. 2:17-cv-02976-APG-PAL

VS.

JO GENTRY, *et al.*,

Respondents.

ORDER

10 This habeas matter under 28 U.S.C. § 2254 is pending before the Court on, *inter alia*,
11 petitioner's motion (ECF No. 8) for an extension of time and motions (ECF Nos. 3 and 7) for
12 appointment of counsel.

13 By an order entered on December 6, 2017, the Court directed petitioner to show cause why the
14 petition should not be dismissed without prejudice for lack of jurisdiction as a successive petition.
15 Petitioner asserts that he subsequently has been moved by state correctional authorities from Southern
16 Desert Correctional Center within the state to a correctional facility in Eloy, Arizona. In the motion
17 for an extension of time, petitioner asserts that: (a) he has been housed in Arizona for nearly a month
18 without being issued his personal property, including all of his legal paperwork; (b) he currently has
19 no supplies, such as paper, envelopes, and stamps, with which to prosecute the action; and (c) he thus
20 currently is unable to respond to the show-cause order.

21 The Court will direct service upon the respondents and a response to petitioner's motion. The
22 Court understands that petitioner may not challenge the conditions of his confinement in a habeas
23 action; nor is he doing so. However, the extent and duration of any restrictions upon petitioner's access
24 to his legal papers and basic supplies are material to the Court's consideration of the currently pending
25 motions.

IT THEREFORE IS ORDERED that the Clerk of Court shall add state attorney general Adam P. Laxalt as counsel for respondents and shall effect electronic service of this order upon respondents by directing a notice of electronic filing to him.

1 IT FURTHER IS ORDERED that, within **thirty (30) days** of entry of this order, respondents'
2 counsel shall (a) enter a notice of appearance, (b) respond to the motion for an extension of time, and
3 (c) specifically inform the Court in the response when petitioner will have access to both his legal
4 papers and basic supplies such as paper, envelopes and stamps needed to file more than simple papers
5 in this Court.

6 The Clerk shall provide copies of all prior filings herein to respondents in a manner consistent
7 with the Clerk's current practice, such as regeneration of notices of electronic filing.

8 The Clerk also shall SEND petitioner another copy of: (a) the show-cause order herein (ECF
9 No. 5); and (b) ECF Nos. 18, 59, and 75 from No. 3:00-cv-00430-ECR-RAM; and the Clerk further
10 shall reflect the transmittal in a publicly accessible manner consistent with the Clerk's current practice
11 for such matters.

12 DATED: January 11, 2018.

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16 ANDREW P. GORDON
United States District Judge

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